

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

GILEAD SCIENCES, INC. <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	No. 21-cv-4106 (AMD) (RER)
	:	
v.	:	
	:	
SAFE CHAIN SOLUTIONS, LLC; <i>et al.</i> ,	:	
	:	
Defendants.	:	

**PRELIMINARY INJUNCTION AND
TEMPORARY RESTRAINING ORDER**

WHEREAS, upon review of the Second Amended Complaint of Gilead Sciences, Inc., Gilead Sciences Ireland UC, and Gilead Sciences, LLC (together, “Gilead” or “Plaintiffs”), the accompanying declarations and the exhibits annexed hereto, and the memorandum of law in support submitted, this Court, for good cause shown, entered, *inter alia*, a temporary restraining order and order to show cause against certain newly named defendants;

WHEREAS Gilead has entered into stipulations entering a preliminary injunction or extending temporary restraining order with Defendants Med-Connect Enterprises, LLC, Paul Rossell, D&K Healthcare Solutions LLC, Dhruv Ralhan, DSP Consulting Inc., Srinivas Mannava, Streamline RX LLC, John Panagiotopoulos, Mike Zangari, Riccardo Massana, Pavan Mantripragada, Invicta Wholesale Supply LLC, Jorge Caba, Gabriel Betesh, Scripts Wholesale Inc., Steven Diamantstein, NER250 LLC d/b/a Scripts Wholesale Inc., Maryland Pharmacies Inc. d/b/a The Medicine Shoppe #1802, PrimeRX Inc., Sekar Venkatesh, Jeffrey W. Gafnea, Robert W. Gafnea, and CM Pharmaceutical LLC; and

WHEREAS Gilead has served, attempted service, and/or provided notice of the Court's temporary restraining order and order to show cause upon Defendants Luis D. Gonzalez Herrero, Omom Wholesale Corp., Jordan Rodriguez Mato, Omom Pharmaceuticals, Inc., Gustavo Fernandez, Daniel Gelbinovich, RXWholesale.com LLC, Pharma Pac Wholesale Corp., Angel Toral, Gentek LLC, Edel Reyes, Rapid's Tex Whole Sales Corp., John Santos, Titan Distribution & Services LLC, Gabriel Delgado Ramirez, Tidy Garages LLC, ASB Wholesale Distributors LLC, Silverline Pharma Logistics LLC, Alberto Alonso Diaz, JM Smith Distribution Corp., Carlos Hernandez, Cesar Castillo Wholesalers LLC, DNS Distributor LLC, Julio Martin Gonzalez, Make It Happen Marketing Inc., Quan Hernandez, and MFK Management LLC (together, the "Outstanding Defendants");

WHEREAS the Outstanding Defendants have not appeared in this action or submitted answering papers to the order to show cause; and

NOW, THEREFORE, IT IS ORDERED that, as to the Outstanding Defendants, the Court's October 16, 2021 temporary restraining order is extended for good cause pursuant to Federal Rule of Civil Procedure 65(b)(2) and, pending further order of this Court, the Outstanding Defendants and their principals, agents, officers, directors, members, servants, employees, successors, assigns and all other persons in concert and participation with them (collectively, the "Restrained Parties"), shall, upon actual notice of this Order, be immediately temporarily restrained from:

1. Purchasing, selling, distributing, marketing, manufacturing, or otherwise using any of the Gilead Marks (as defined herein) on any counterfeit or authentic product, or any marks confusingly similar thereto in connection with any products. The "Gilead Marks" are defined as the following:

Trademark	Registration Number	Registration Date
GILEAD	3251595	June 12, 2007

	2656314	December 3, 2002
GSI	3890252	December 14, 2010
BIKTARVY	5344455	November 28, 2017
DESCOVY	4876632	December 29, 2015
DESCOVY FOR PREP	5912591	November 19, 2019
9883	5467392	May 15, 2018
	5636131	December 25, 2018
	5906177	November 12, 2019
	5030567	August 30, 2016
	5154303	March 7, 2017
TRUVADA	2915213	December 28, 2004
GENVOYA	4797730	August 25, 2015
ATRIPLA	3276743	August 7, 2007
RANEXA	3094007	May 16, 2006
VOSEVI	5259592	August 8, 2017
STRIBILD	4263613	December 25, 2012
	6031751	April 14, 2020
SOVALDI	4468665	January 21, 2014
	5018106	August 9, 2016
7977	4585257	August 12, 2014

2. Using any logo, trade name or trademark confusingly similar to any of the Gilead Marks which may be calculated to falsely represent or which has the effect of falsely representing that the services or products of any or all of the defendants or of others are sponsored by, authorized by or in any way associated with Plaintiffs;

3. Infringing any of the Gilead Marks;

5. Falsely representing any or all of Boulevard Defendants as being connected with Plaintiffs or sponsored by or associated with Plaintiffs or engaging in any act which is likely to cause the trade, retailers and/or members of the purchasing public to believe that any or all of Boulevard Defendants are associated with Plaintiffs;

6. Using any reproduction, counterfeit, copy, or colorable imitation of any of the Gilead Marks in connection with the publicity, promotion, sale, or advertising of any Gilead product, including without limitation BIKTARVY® and DESCOVY®;

7. Affixing, applying, annexing or using in connection with the sale of any goods, a false description or representation including words or other symbols tending to falsely describe or represent such goods as being Gilead products, including without limitation BIKTARVY® and DESCOVY®, and from offering such goods in commerce;

8. Diluting any of the Gilead Marks;

9. Removing from their premises, or discarding, destroying, transferring or disposing in any manner any information, computer files, electronic files, WhatsApp or text messages, business records (including but not limited to e-mail communications) or other documents relating to the Boulevard Defendants' assets and operations or relating in any way to the purchase, sale, manufacture, offer for sale, distribution, negotiation, importation, advertisement, promotion, or receipt of any products purporting to be Gilead products, including without limitation any products bearing any of the Gilead Marks, including without limitation BIKTARVY® and DESCOVY®; and

10. Assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs (1) through (9) above; and it is further

ORDERED that the temporary restraining order as set forth in subparagraphs 1 through 10 above shall be in effect for a period of 14 days from the entry hereof; and it is further

ORDERED that the Restrained Parties shall turn over to Plaintiffs or any person or entity designated by Plaintiffs all counterfeit Gilead products in their possession, custody, or control to be held by Plaintiffs until further order of this Court; and it is further

ORDERED that the Outstanding Defendants shall show cause before this Court at Courtroom 4G North, Theodore Roosevelt United State Courthouse, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, 11201, on the 10th day of November, 2021 at 2:30 o'clock p.m., why a preliminary injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure, should not be issued enjoining the Outstanding Defendants in the manner set forth in paragraphs 1-10 of this Order for the duration of this litigation; and it is further

ORDERED that answering papers, if any, be filed by the Outstanding Defendants with this Court and served upon Plaintiffs' counsel, Geoffrey Potter, by email at CounterfeitHIVMedications@pbwt.com on or before the 2nd day of November, 2021, and reply papers shall be filed and served on or before the 5th day of November, 2021.

s/Ann M. Donnelly
Hon. Ann M. Donnelly

Issued: October 27, 2021.